

Chesapeake Bay Board
BUILDING F - 7:00 P.M.
May 12, 2010

A. Roll Call

B. Minutes - From April 14, 2010 – Board Meeting

C. Public Hearings

1. CBE-10-018 – WSP-Sells - Stonehouse Tract 12

D. Board Considerations - None

E. Matters of Special Privilege

F. Adjournment

Chesapeake Bay Exception CBE-10-018: Stonehouse Tract 12
Staff report for the May 12, 2010, Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Mr. Craig M. Duerr, WSP Sells

Land Owner(s): GS Stonehouse Green Land Sub, LLC

Location: 9455 Fieldstone Parkway, Toano, Virginia 23168
Pin: 0530100021: GS Stonehouse owner

9386 Ottoway Court, Toano, Virginia 23168
Pin: 0530700001C: Stonehouse Glen, LLC, owner

Parcel Size/Zoning: 44.38 +/- acres, R-2 Residential and PUD Commercial

Percent of Parcel in RPA: 35% (15.5 +/- acres)

Watershed: Ware Creek (HUC Code Y062)

County Plan No.: S-48-09

Proposed Impacts

Chesapeake Bay Board action (Board approval)

Sanitary Sewer RPA Encroachments
Permanent encroachment: 3,959 square feet (0.09 ac.)

Chesapeake Bay Preservation Ordinance Administrator action (Administrative approval)

BMP outfall RPA Encroachments: 11,130 square feet (0.26 ac.)

Brief Summary and Description of Activities

The submitted Water Quality Impact Assessment (WQIA) contains information pertaining to both administrative and Board action. The impacts associated with the BMP storm drain outfalls require administrative approval because they are water dependant features. The impacts associated with the sanitary sewer crossing require Board approval as they are not built by a public service authority. The current owner of the Stonehouse development has received a US Army Corps of Engineers permit to construct a sanitary sewer crossing which impacts 240 square feet of wetlands (permit number: NAO-2009-01264) along with wetland impacts associated with the Land Bay 3 development.

Staff Evaluation

Staff has evaluated the application and exception request for all work as described above. The proposal is a gravity sewer line that will provide service to this land bay. Staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

Water Quality Impact Assessment (WQIA)

In accordance with Bay Act requirements and the Ordinance all land disturbance, development or redevelopment within the RPA requires a water quality impact assessment (WQIA). Water quality impact assessments shall identify impacts of proposed development on water quality and land in RPAs and recommended measures for mitigation of these impacts. Localities must review a WQIA prior to action on the exception request. James City County has established guidelines for submission of minor/major WQIAs.

A WQIA was submitted with the plan of development for the project (County Plan No. S-48-09). The WQIA was provided on August 17, 2009 and revised on March 17, 2010. Based on staff review, the WQIA proposes to mitigate for RPA impacts by:

- Stabilizing with a conservation seed mix, and
- Super silt fence (wire-reinforced) for disturbed areas within the RPA, and
- Erosion control, type 2 matting for slope stabilization, and
- Enhanced outlet protection for each storm water outfall, and
- Replanting of 0.13 acres adjacent to a dedicated Natural Open Space easement, known as Buffer Restoration Area #1, and
- Replanting of 0.16 acres offsite in Stonehouse Glen near BMP 3B, adjacent to a dedicated Natural Open Space easement, known as Buffer Restoration Area #2, and
- Recordation of an additional 0.09 acre Natural Open Space easement, in excess of the requirements for the subdivision of Tract 12, adjacent to RPA.

Staff Recommendation

Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be minimal for the proposed development and that the proposed mitigation measures are acceptable. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project.
2. Use of super silt fence for areas to be disturbed within the RPA.
3. Use of EC-2 matting for slope stabilization on slope that are 3:1 or greater.
4. Enhanced outlet protection for all BMP and storm drain outfalls.
5. Replant 0.13 acres of non-RPA adjacent to Natural Open Space, along Fieldstone Parkway, known as Buffer Restoration Area #1 per the approved WQIA.
6. Replant 0.16 acres offsite in Stonehouse Glen near BMP 3B, adjacent to a dedicated Natural Open Space easement, known as Buffer Restoration Area #2 per the approved WQIA.

7. Recordation of Natural Open Spaces easements for Buffer Restoration Area #1 and Buffer Restoration Area #2, dedicated to James City County.
8. Recordation of a Natural Open Space easement for the additional 0.09 acre in excess of the requirements for stormwater management for Tract 12, adjacent to RPA.
9. Signed letters of permission shall be submitted to the Environmental Division for all offsite property owners affected by this proposal prior to work commencing.
10. This exception request approval shall become null and void if construction has not begun by May 12, 2011.
11. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-10-018 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-10-018 are included for the Board's use and decision.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments:

Water Quality Impact Assessment, date stamped April 28, 2010